

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

KEVIN DAMION CRICHLLOW,

Plaintiff,

vs.

THE CITY OF NEW YORK, MARTIN F. HORN,
in his individual and official capacity as
Commissioner of the New York City Department of
Corrections, MICHAEL HOURIHANE in his
individual and official capacity as Warden of the Otis
Bantum Correctional Center, ROBERT SHAW, in
his individual and official capacity as Warden of the
George R. Vierno Center, SANDRA LANGSTON,
in her individual and official capacity as Warden of
the Eric M. Taylor Center, JOANDREA DAVIS, in
her individual and official capacity as Warden of the
Eric M. Taylor Center,

Defendants.

ATTORNEY, S

**DISCOVERY PLAN AND
SCHEDULING ORDER**

Civil Action No. 07 Civ 3222 (RPP)

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>5/14/08</u>

The following Civil Case Discovery Plan and Scheduling Order is adopted, after consultation with counsel for the parties, pursuant to Rules 26(f) and 16 of the Federal Rules of Civil Procedure.

Amendment to Pleadings

1. The parties may move to amend the pleadings in accordance with applicable law up and until such time as is permitted under applicable law and Rule 15 of the Federal Rules of Civil Procedure.

Joinder of Parties

2. The parties shall have until September 30, 2008, to move to join any additional parties.

Initial Disclosures

3. The parties stipulate and agree that the disclosure obligations specified in Federal Rule of Civil Procedure 26(a)(1) shall not apply in this action.

Discovery

4. Fact discovery shall be completed on or before December 5, 2008.

5. The parties' expert reports and disclosures pursuant to Federal Rule of Civil Procedure 26(a)(2) shall be served on or before January 9, 2009.

6. Any expert rebuttal reports shall be served on or before February 6, 2009.

7. All discovery, including expert discovery, is to be completed on or before March 6, 2009.

Summary Judgment and *Daubert* Motions

8. Summary judgment and *Daubert* motions are to be served and filed no later than April 3, 2009. Opposition papers, if any, are to be served and filed no later than May 1, 2009. Reply papers, if any, are to be served and filed no later than May 15, 2009.

Pretrial Submissions

9. A joint pretrial order in the form prescribed by Judge Patterson's individual rules shall be filed June 15, 2009.

10. The parties shall submit any proposed voir dire questions and jury charges that may be required in the form prescribed by Judge Patterson's individual rules, all other motions addressing evidentiary or other issues to be resolved *in limine* and any pretrial memoranda of law on June 26, 2009.

11. The trial in this action will commence on July 13, 2009.

Dated: May 13, 2008
New York, New York

SO ORDERED:

May 14, 2008

A handwritten signature in black ink, appearing to read "Robert P. Patterson", written over a horizontal line.

Robert P. Patterson
U.S.D.J.

A small, handwritten mark or flourish, possibly a stylized "M" or a checkmark, located below the signature.